

JAN 03 2005

Attorney's Docket No.: 07977-263001

ISW  
AF#

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yamazaki, et al.                      Art Unit : 1733  
Serial No. : 09/760,499                      Examiner : John L. Goff  
Filed : January 11, 2001  
Title : DISPLAY DEVICE AND METHOD OF MANUFACTURING THE SAME

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY BRIEF

Pursuant to 37 CFR 1.193(b)(1), Appellant responds to the new points raised in the Examiner's Answer as follows.

At page 2, paragraph (7), the Examiner's Answer references a statement that claims 1-6, 16-19, 21-24, 26-30, 32-34, and 36-42 do not stand or fall together. However, the corresponding paragraph (7) of Appellant's Appeal Brief included a statement that the claims stand or fall together.

At page 6, paragraph (11), the Examiner's Answer includes a response to Appellant's arguments included within the Appeal Brief. In reply, Appellant submits the following remarks.

Relevant portions of Yamazaki '138, as explained in detail in Appellant's Appeal Brief, and in previous responses, disclose a technique for:

- (a) forming a portion of a liquid crystal display (LCD) panel on a peeling layer (102) over a glass substrate (101), then
- (b) removing the peeling layer (102) and glass substrate (101), and then
- (c) joining the LCD panel with another LCD panel to allow injection of liquid crystal material therebetween.

Column 6, lines 45-49 of Yamazaki '138 states that "a technique described in this specification is available to the EL-type display unit," but provides no other indication or discussion as to what operations are thought to be included in "a technique," and provides no further teachings as to how an EL-type display unit might be constructed.

The rejections set forth in the Office Action of September 3, 2003 maintained that applying the teachings of Yamazaki '138 to the formation of an EL-type display "must" result in Applicant's claimed invention, and that the EL-type display would otherwise be "inoperable"

(see, e.g., pages 5-6 of Appellant's Appeal Brief, referring to the Final Office Action of September 3, 2004).

To the contrary, Appellant demonstrated in previous responses, and in the Appeal Brief, that the general technique of Yamazaki '138 may be characterized as in steps (a) – (c), above, so that application of the teachings of Yamazaki '138 would result in, at best, forming a portion of an EL-type display on a peeling layer, and then removing the peeling layer (and underlying substrate) to complete formation of the EL-type display (i.e., formation occurs after removal of peeling layer). Specifically, an example of such a technique was illustrated and discussed in Appellant's Appeal Brief, in detail, and with reference to U.S. Publication 2003/0217805.

In response, the Examiner's Answer takes the position that Appellant's claims do not "...require forming a 'completed' light emitting element prior to peeling." Examiner's Answer, page 9, lines 1-4. However, while acknowledging that the word "completed" does not appear in Appellant's claims, as such, Appellant respectfully submits that the pending claims recite that a light-emitting element/layer or display element is formed prior to removal of the recited peeling layer and first substrate, which is sufficient to distinguish the pending claims over the art of record, as discussed herein.

The Examiner's Answer goes on to state that, "the Examiner's previous comments regarding forming an operable completed light-emitting element still apply, i.e., forming an operable EL display device using the technique described by Yamazaki '138 would include forming the completed light emitting element directly on the semiconductor element prior to peeling..." Examiner's Answer, page 9, lines 4-13. To the contrary, Appellant submits that the examples previously provided in Appellant's Appeal Brief illustrate the point that other techniques based on Yamazaki '138, and besides those of Applicant's claimed invention, would have resulted in operable EL-type displays, and that the Examiner has selected Appellant's claimed invention only with the benefit of hindsight afforded by Appellant's own disclosure.

Finally, the Examiner's Answer asserts in the paragraph bridging pages 9 and 10 that the example provided by U.S. Publication 2003/0217805 includes an additional (fourth) substrate that "is clearly not contemplated by Yamazaki '138...(and that)...even if Yamazaki '138 were

taken to infer the alternative technique proposed by appellants, the technique...meets all of the claim limitations. Examiner's Answer, page 10, lines 7-12.

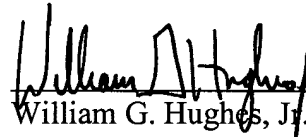
In response, Appellant respectfully submits that the provided example of U.S. Publication 2003/0217805 does not disclose or suggest all of the limitations of at least Appellant's independent claims 1, 4, 26, and 36, since the provided example, in accordance with the technique of Yamazaki '138, discloses formation of a portion of an EL-type display, followed by a peeling operation to remove an underlying substrate, which is then followed by completion of the EL-type display. Appellant submits that the fact that a fourth substrate is not specifically taught in Yamazaki '138 for use in forming an EL-type display is not detrimental to Appellant's arguments, since Yamazaki '138 does not provide any specific teaching regarding formation of an EL-type display.

For these reasons, and the reasons stated in the Appeal Brief, Appellant submits that the final rejection should be reversed.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: January 3, 2005

  
\_\_\_\_\_  
William G. Hughes, Jr.  
Reg. No. 46,112

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331